3/15/90

Dear Mr. Wall,

Yesterday I mailed the three packages of books along with a letter responding to yours of the eighth, surface mail.

On the outside of the package of each is a post office form for the declaration of value in the event your authorities need it for tax purposes.

Your sent more than it costs so I enclose our check for $20.00.

Yesterday I had a long phone conversation with an abstract artist who wants to get a quick understanding of the JFK assassination investigation. What I told him may be of interest to the three of you.

I suggested to him that he read first the Introduction to Whitewash, the first book, for an understanding of how our Congressional committees and commissions work. I do not know what knowledge you have of our institutions but unless you are familiar with their functioning this may be good for you.(I was a Senate investigator and editor in the 1930s.) They are not, for example, bound to observe the legal rules of evidence. Their purpose is not to investigate crimes to obtain convictions. It is to develop information. With the Congress, a legislative purpose is a prerequisite. Commissions are generally appointed by presidents to do what makes it seem that the president is having a major problem studied impartially, whether or not that is his real purpose.

I suggested that he then skip to page 475 of Post Mortem, to that short transcript of the 1/21/64 Warren Commission executive session. This gives an inside view of the way it really was with that commission. I'm avoiding giving you any interpretation of it because I do not want to influence your judgement. If on reading that you three think it does help understand the commission and its thinking and intent - and fears - you may want to then read the transcript of the next day's session in Whitewash IV.

Whether or not you next read the second transcript, I suggest that the books be read in the order of their appearance, without further skipping around. The first book is based entirely on the Commission's publications, except for a few pages I added at the end when I got access to the report LBJ ordered of the FBI before he appointed the commission. That is, by the way, a remarkable document, especially the first volume, which is of about 100 pages and is indexed. It says almost nothing at all about the crime itself, as you will see in those few pages. It is a vicious, vitriolic (favorite FBI words) diatribe against Oswald. If any of you wants a copy, I can have it xeroxed for you.

The second book, which wasn't intended to be a book, uses what I got access to in the archives the summer of 1966. It carries some of the first book forward.

The third book is on the suppression of the photographic evidence.

The fourth centers around that transcript.

Post Mortem was written over a period of years, beginning about 1967. I began writing its second part In New Orleans the Monday morning of the week the Shaw jury was impanelled. The day before I'd learned for the first time what Garrison's alleged case was. I was shocked and I told the two lawyers I was preparing that unless they changed their approach radically they would lose the case, deserved to lose it, that I would not be part of it (I had agreed to be their Dealey Plaza expert) and that I would be leaving on the midday plane that Thursday. I was on that plane and until then I wrote on the book and did other work. I was never in the courtroom and never laid eyes on Shaw.I finished the book and got it camera-ready , had the negatives for offset printing made in Washington, sent them to the printer in Wisconsin and then was hospitalized with my first venous thrombosis. While working on this book when I could I did Fraem-UP, was Ray's investigator, did the habeas corpus investiga-

tion that got him the evidentiary hearing, and then conducted the investigation for it.

During that same period I was also working on a Watergate book. Oddly, I was asked to by two different German publishers, each of whom changed his mind without seeing a word I'd written. I did develop information that is not generally known and has not been published. This includes, I'm reasonably confident, what was on the 18 1/2 minutes of tape Nixon erased. There is no doubt in my mind that the Washington Post wanted Nixon out of office and no more.

So, the writing of the last book was not a continuous work.

I have an additional point in going into this. It is that even when an official investigation appears to be and is accepted as thorough-going, as was the Senate's Watergate investigation, it need not be and that investigation was not. One of its Members even leaked something to me, under his frank, which left do doubt about the source. Aside from what they did not go into, they could have nailed CIA Director Helms on perjury. But they not only did not want to do that, they did not want to go into what he lied about.

In the Ray case, to give you an idea how the courts can work in such crimes of great magnitude and concerning the work of agencies like the FBI, we faced the problem of showing that Ray had not had the effective assistance of counsel when his counsel was the country's most famous criminal lawyer Percy Foreman. Senior counsel was on vacation out of the country, junior counsel, who then had never faced a jury, and I exercised discovery for two days in Memphis, and we then divided the work up prior to the hearing with him researching the law and I deciding how we'd proceed and what we'd use as evidence. I decided on an unusual, non-lawyer's approach: we'd try the case to show that Foreman had not investigated it and not really prepared any defense. Each and every witness I produced held up on cross-examination and we, in effect, exculpated Ray. But the judge's long-delayed decision (it was more than a year before we had the transcripts of the hearing) held that guilt or innocence were immaterial, that Ray had not been coerced although it was clear he had been, and the judge wiped the whole thing out that way. He was sustained on all appeals, including by the refusal of the Supreme Court to hear the appeal.

I do not know whether any of this is new to you or whether it can be of any help in your Palme work but I tell you in the event it might.

Best wishes and good luck to you all!

Harold Weisberg